

guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

SEC. 802. Any funds provided by this Act shall not be available for the compensation of persons performing domestic information functions or related supporting functions in excess of 50 per centum of the amount provided herein.

Domestic information functions.

SEC. 803. This Act may be cited as the "Second Supplemental Appropriation Act, 1952".

Short title.

Approved November 1, 1951.

Public Law 255

CHAPTER 666

AN ACT

To amend the penalty provisions applicable to persons convicted of violating certain narcotic laws, and for other purposes.

November 2, 1951
[H. R. 3490]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 (c) of the Narcotic Drugs Import and Export Act, as amended (U. S. C., title 21, sec. 174), is amended to read as follows:

Narcotic law violations, penalties.
42 Stat. 596.

"(c) Whoever fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, or conspires to commit any of such acts in violation of the laws of the United States, shall be fined not more than \$2,000 and imprisoned not less than two or more than five years. For a second offense, the offender shall be fined not more than \$2,000 and imprisoned not less than five or more than ten years. For a third or subsequent offense, the offender shall be fined not more than \$2,000 and imprisoned not less than ten or more than twenty years. Upon conviction for a second or subsequent offense, the imposition or execution of sentence shall not be suspended and probation shall not be granted. For the purpose of this subdivision, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which is provided in this subdivision or in section 2557 (b) (1) of the Internal Revenue Code, or if he previously has been convicted of any offense the penalty for which was provided in section 9, chapter 1, of the Act of December 17, 1914 (38 Stat. 789), as amended; section 1, chapter 202 of the Act of May 26, 1922 (42 Stat. 596), as amended; section 12, chapter 553, of the Act of August 2, 1937 (50 Stat. 556), as amended; or sections 2557 (b) (1) or 2596 of the Internal Revenue Code enacted February 10, 1939 (ch. 2, 53 Stat. 274, 282), as amended. After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the

Post, p. 768.

21 U. S. C. §§ 171, 173, 174-177.

Post, p. 768.

person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this subdivision.

"Whenever on trial for a violation of this subdivision the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury."

53 Stat. 274.
26 U. S. C. § 2557.

SEC. 2. Section 2557 (b) (1) of the Internal Revenue Code is amended to read as follows:

"(1) Whoever commits an offense or conspires to commit an offense described in this subchapter, subchapter C of this chapter, or parts V or VI of subchapter A of chapter 27, for which no specific penalty is otherwise provided, shall be fined not more than \$2,000 and imprisoned not less than two or more than five years. For a second offense, the offender shall be fined not more than \$2,000 and imprisoned not less than five or more than ten years. For a third or subsequent offense, the offender shall be fined not more than \$2,000 and imprisoned not less than ten or more than twenty years. Upon conviction for a second or subsequent offense, the imposition or execution of sentence shall not be suspended and probation shall not be granted. For the purpose of this paragraph, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which is provided in this paragraph or in section 2 (c) of the Narcotic Drugs Import and Export Act, as amended (U. S. C., title 21, sec. 174), or if he previously has been convicted of any offense the penalty for which was provided in section 9, chapter 1, of the Act of December 17, 1914 (38 Stat. 789), as amended; section 1, chapter 202, of the Act of May 26, 1922 (42 Stat. 596), as amended; section 12, Chapter 553, of the Act of August 2, 1937 (50 Stat. 556), as amended; or sections 2557 (b) (1) or 2596 of the Internal Revenue Code enacted February 10, 1939 (ch. 2, 53 Stat. 274, 282), as amended. After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this paragraph."

53 Stat. 269.
26 U. S. C. §§ 2550-
2565, 2590-2604, 3220-
3239.

Ante, p. 767.

Infra.

53 Stat. 282.
26 U. S. C. § 2596.

SEC. 3. Section 2596 of the Internal Revenue Code is amended to read as follows:

"SEC. 2596. PENALTIES.

"For penalties for violating or failing to comply with any of the provisions of this subchapter, see section 2557 (b) (1)."

53 Stat. 387.
26 U. S. C. § 3235..

SEC. 4. Section 3235 of the Internal Revenue Code is amended to read as follows:

"SEC. 3235. PENALTIES.

"For penalties for violating or failing to comply with any of the provisions of this part, see section 2557 (b) (1)."

SEC. 5. There are hereby repealed—

(1) section 2 (f) of the Narcotic Drugs Import and Export Act, as amended (U. S. C., title 21, sec. 174);

(2) the Act of August 12, 1937, as amended (U. S. C., title 21, secs. 200–200 (b));

(3) sections 2557 (b) (5), (6), and (7) of the Internal Revenue Code.

Repeals.

42 Stat. 597.

50 Stat. 627.

53 Stat. 275.

26 U. S. C. § 2557.

SEC. 6. Any rights or liabilities now existing under the laws or parts thereof repealed by this Act shall not be affected by such repeal.

Approved November 2, 1951.